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In the Supreme Court of the United States

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[redacted] 1970

PETER PARIS,

Petitioner

vs.

COMMONWEALTH OF PENNSYLVANIA

APPENDIX TO PETITION FOR WRIT OF CERTIORARI TO THE SUPERIOR COURT OF PENNSYLVANIA

PETER PARIS,
Petitioner.

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Pittsburgh, Pa. 15219.

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INDEX

	Page
Appendix to Petition for Writ of Certiorari to the Superior Court of Pa.:	
Opinion	2
Opinion of Superior Court of Penna.	20
Opinion of Supreme Court of Penna.	20

Case Caption

IN THE SUPREME COURT OF THE UNITED STATES

No. 1708 October Term, 1969

PETER PARIS,

Petitioner

vs.

COMMONWEALTH OF PENNSYLVANIA

APPENDIX TO PETITION FOR WRIT OF CERTIORARI TO THE SUPERIOR COURT OF PENNSYLVANIA

IN THE COURT OF QUARTER SESSIONS OF WASHINGTON COUNTY, PA.

No. 229 September Sessions, 1967, Q.S.

COMMONWEALTH

vs.

PETER PARIS

No. 228 September Sessions, 1967, Q.S.

COMMONWEALTH

vs.

ROBERT RAY RAGAZZINI

Appendix—Opinion

No. 227 September Sessions, 1967, Q.S.

COMMONWEALTH

vs.

MICHAEL J. EVANS
MARION JOSEPH SERAFIN

Argued before: Sweet, P. J., McCune, J., Curran, J.
(June 17, 1968)

Appearances

Arnold W. Hirsch, Special Assistant Attorney General, representing Commonwealth.

Allen N. Brunwasser, Esq., John P. Liekar. Esq., and Michael E. Kusturiss, Esq., representing Peter Paris.

Sigmund L. Bloom, Esq., and Robert L. Zeman, Esq., representing Robert Ray Ragazzini.

Sanford S. Finder, Esq., representing Michael J. Evans.

John F. Bell, Esq., representing Marion Joseph Serafin.

OPINION

Sweet, P. J., October 1, 1968.

On the night of June 14, 1967, a most unfortunate incident occurred by a slag dump in Chartiers Township

in this County. A respectable 15-year old girl of good family in this County and of good repute was ravished by a group of young men. The victim broke away from her tormentors toward midnight and stumbled out on to a township road where she was picked up and taken to the hospital by Chartiers Township Police, on routine patrol. Physical examination disclosed proof of recent intercourse and rough handling. It was medically contended, so far as such a thing is possible, that she had been a virgin prior to this episode.

Prompt investigation was made by the State Police and four young men were indicted for forcible rape and statutory rape. Peter Paris was tried first at the September Term, 1967 and Michael J. Evans, Marion J. Serafin and Robert R. Ragazzini were tried together at the November Term of the same year. Before the trial there was, of course, a magistrate's hearing and indictment by the Grand Jury and also petition for writs of habeas corpus and multitudinous applications for various forms of relief. These were refused and the cases proceeded to trial. All resulted in the verdict of guilty of statutory rape only.

The victim's account of the matter was that she agreed to go to a party with Michael J. Evans, a Marine private, age 18 at that time and one Gregg McElhaney, otherwise not seriously involved here. She went with these two youths in McElhaney's car out to the slag dump in Chartiers Township, a few miles away from Houston, where the contact had been made. There were a number of other youths around there in the gathering twilight a little after 9:00 that June evening and a beer party was in progress. Unfortunately, no other girls were present.

Nothing noteworthy occurred until three slightly older young men arrived on the scene. Peter Paris, Marion J. Serafin and Robert R. Ragazzini received word in a Houston saloon that a party was in progress at the slag dump. They left the tavern and proceeded to go to the beer party. When they got there, the complexion of things changed markedly. Some of the younger boys left and after a while, Paris, Serafin, Ragazzini and Evans had intercourse with the complainant. She says that this was done forcibly and against her will and accompanied by a good deal of brutality. Paris and Evans took the stand in their own defense and in separate trials each told very much the same story, i.e., they mounted the prosecutrix in the automobile but through failure of erection were unable to achieve either penetration or climax. Serafin and Ragazzini did not take the stand and by their pleas of not guilty denied the whole transaction.

In the Paris case, although the defense's testimony was denial of any sexual intercourse at all, the argument of counsel (at that stage, Michael E. Kusturiss, Esq.) was consent. The Evans' defense was conducted by Sanford S. Finder, Esq., and was likewise comprised of testimony of denial and oral argument of consent. Serafin and Ragazzini offered no evidence whatsoever. The jury returned verdicts in all 4 cases of statutory rape. The undersigned, trial judge both times, was of the opinion from the lay and medical testimony that a particularly offensive incident of forcible rape had occurred 4 times but the jury either believed that the victim did not resist sufficiently or in going to such a place in the first instance she had "asked for it". It is unfortunate the victim went to the scene of this party and stayed after she found there were

so many young men there. However, nothing untoward occurred, except the consumption of beer by minors, until the arrival on the scene of Paris, Serafin and Ragazzini*

The defendant, Ragazzini, who did not testify, defends primarily on the ground of identification. In his brief he cites: United States vs. Wade, 388 U.S. 218; Gilbert vs. California, 388 U.S. 263; People vs. Smiley, uncited; Rath vs. Maryland, U.S. . . . It is apparently Ragazzini's position that the in-court identification by the victim was legally insufficient because of the previous lineup, and that he is therefore entitled to a new trial or to release.

The Commonwealth made it very plain that they would rely on in-court identification and would not use the lineup in any way. Assuming arguendo that the lineup was defective, this would still not insulate Ragazzini from prosecution. The admission of in-court identification without first determining it was not tainted by illegal lineup, but was of independent origin, was held to be constitutional error in United States vs. Wade, supra. The Wade case held that a lineup is not a violation of privilege

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* Peter Paris is 22 years of age, lives at 503 Bluff Street, Canonsburg, Pa. and on June 14, 1967 was 21 years of age, married and employed as a structural steel worker in Steubenville, Ohio.

Robert R. Ragazzini is 22 years of age, lives at 258 E. Pike Street, Canonsburg, Pa. and on June 14, 1967 was 21 years of age, married and employed at Kettermans, Inc., Canonsburg, Pa.

Marion Serafin is 26 years of age, lives at 713 N. Main Street, Houston, Pa. and on June 14, 1967 was 25 years of age, married and employed at Haws Refractories Co., Canonsburg, Pa.

against self incrimination. However, it goes on to hold that "Insofar as an accused's conviction may rest on a courtroom identification in fact the fruit of a suspect pretrial identification which the accused is helpless to subject to effective scrutiny at trial, the accused is deprived of that right of cross-examination which is an essential safeguard to his right to confront the witnesses against him".

It should be remembered, Wade was a post indictment lineup and was at a critical stage. The lineup held here was a pre-arrest lineup before the accusatorial stage had been reached.[1] Wade, it will be remembered, did not end in an award of a new trial but only in a remand to determine whether the lineup was bad. It is pretty clear in our case that proof of Ragazzini's presence at the scene is not dependent on a lineup or its fruits.

Gilbert, supra, also held that when one is identified improperly, he is entitled only to vacation of his conviction pending the holding of such proceedings that may be appropriate to establish whether the in-court identification had an independent source.

However, we have recent additional light from the Supreme Court of the United States on the matter of lineup. In Simmons vs. United States, 19 L. Ed. 2d 1247, we learn that, "An accused's claim that in the circumstances police identification procedure was so unduly prejudicial as fatally to taint his conviction must be evalu-

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[1] This is significant because the lineup rules are an aspect of the right to counsel (6th amendment) not of the privilege against self-incrimination (5th amendment) which applies at an earlier stage.

ated in the light of the totality of surrounding circumstances". There, a pretty unsatisfactory photograph identification preceded the in-court identification. The Supreme Court said, there was in the circumstances of this case little chance that the procedure utilized led to misidentification. ". . . the robbery was committed in the afternoon in a well-lighted bank by robbers who wore no masks and had been witnessed by five bank employees who had been able to see the robber later identified as the defendant for periods ranging up to 5 minutes. . . ." In our case, although there was a problem as to the *naming* of defendants initially, there was no problem as to *identification*. The prosecutrix was in the company of this group of young men and boys for upwards of an hour. We can take notice of the face-to-face position of parties engaged in sexual intercourse. Ragazzini was identified as being present at the scene by several witnesses not friendly to the Commonwealth.[2] It might be noted that

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[2] There is little reason to doubt that Robert Ragazzini was present and that counsel's complaint about identification is plainly frivolous. The prosecutrix identified him in the Courtroom (81); Officer Askew said (157), that she mentioned "Raggs" in her immediate post-coital statement; Ronald Henderson said (256) that Ragazzini was there; co-defendant Evans described (283) seeing him get out of the car where the rape actually happened; Amel Whitfield said (307) that he saw Robert Ragazzini getting into the car.

Paris was tried separately. He said quite a lot about Ragazzini (219) et seq. He had been sitting with Marion Serafin and Robert Ragazzini in Betty & Birch's Tavern in Houston. After learning there was a "party" out at the slate dump: "So I—myself and Ragazzini went inside and brought Serafin and said, there's a party out at the slate dump, let's go out. Myself, Serafin, Ragazzini and Albert Martin got into my car, proceeded out

Ragazzini did not furnish an alibi notice and no person testified he was not there. He did not raise identification substantially. If we accept his position in this case, once there has been a defective lineup, the accused will always go free. What an opportunity for chicanery and collusion this can create!

In Stovall vs. Denno, 388 U.S. 293, 18 L. Ed. 2d 1199, there was a lineup identification which did not meet today's best standards. In any event, in Stovall it was held that an unsatisfactory lineup could be admitted where the totality of circumstances required it. Mr. Justice Black, in a separate opinion to Simmons vs. United States, supra, says, "The due process question raised by Simmons is frivolous and should be deemed as such. The identifying witnesses were all present in the bank that was robbed when it was robbed and all saw the robbers". By this reasoning we should consider Ragazzini's identification defense plainly frivolous.

The *Defender Newsletter* published by the National Defender Project of the National Legal Aid and Defender Association, is hardly a source of support for convictions. Yet it describes the rule Ragazzini and Serafin seek to invoke this way:

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the slate dump. "After arrival at the dump and a bit of beer drinking (222): "Q. Now, who was sitting in the car? A. Well, as I looked in I seen, there was Evans sitting next to her on the front seat and Ragazzini, I believe, was in the back seat. Q. All right. Then what happened? A. And then Ragazzini started to get out of the car and I got out the driver's side where I was and proceeded around the front of the car. . . ." On cross-examination (220) Paris again mentioned that he went out to the party with Ragazzini (234). He mentioned again that Ragazzini was in the back seat (238). He estimated Ragazzini's age at 21.

"The rule that a pretrial identification that is so impermissibly suggestive as to give rise to a very substantial liklihood of irreparable misidentification will be set aside, announced in Stovall vs. Denno, 383 U.S. 293 (1967), was again reviewed in Simmons . . . ."

There is no reason to believe that the lineup involving Ragazzini was impermissibly suggestive. It is obvious that there was no misidentification. Under all these circumstances, since the rule of U.S. vs. Wade, etc., it is not black and white, we should hardly set aside the conviction on this ground.

Ragazzini and Serafin make particularly vigorous objection that evidence against the defendant Evans was used against them. These defendants were jointly tried and it has been repeatedly held in both the state and federal cases that a joinder or severance is within the sound discretion of the court unless great prejudice arises.[3] Paris was tried alone. There was valid objection to trying any of the other defendants during the same term or

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[3] Opper vs. United States, 348 U.S. 84 (1954): " 'It was within the sound discretion of the trial judge as to whether the defendants should be tried together or severally and there is nothing in the record to indicate an abuse of such discretion when petitioner's motion for severance was overruled. . . . To say that the jury might have been confused amounts to nothing more than an unfounded speculation that the jurors disregarded clear instructions of the court in arriving at their verdict. Our theory of trial relies upon the ability of a jury to follow instructions. There is nothing in this record to call for reversal because of any confusion or injustice arising from the joint trial.' " Quoted in United States vs. Barrow, 363 F. 2d 62 (1966).

before the same panel. We then realized that if we tried each one of the others alone, an entire year would be consumed in getting these cases through the trial stage. Accordingly, it was decided to try these three together and no prejudice was successfully shown and apparently none exists.

It is a little hard to understand this objection, except in general terms, because no confessions or admissions of Evans were used against Serafin or Ragazzini. His testimony in his own defense that Serafin and Ragazzini were present is corroborative of the testimony of other witnesses, and it is nowhere denied. Neither Serafin's counsel nor Ragazzini's cross-examined Evans, Henderson or Whitfield on this point, although they made objections. This probably reveals their position as tactical rather than sincere, although they may have misunderstood the confession rule as applying to courtroom testimony. In an attempt to ascertain if there was any merit in defendant's contention here, we placed appropriate interrogatories with the Telex Computerized Legal Center, defendants having advanced nothing but passionate generalities.

Beyond the well-known rule that the admissions of one defendant are of limited utility against another, research turned up nothing better than Commonwealth vs. Mattero, 183 Pa. Super. 548 (1957). There, it was held in the circumstances, defendants' contention, that the trial judge failed to charge the jury to limit evidence against one defendant to that defendant alone, was without merit. In the lower court opinion on the same case which is to be found at 44 Delaware County Reports 50 (1956) it says: "In the present case, true it is the defendants were not jointly indicted, being separately indicted, but the

crimes charged grew out of the same acts and much of the same evidence is necessarily applicable to all defendants."

The defendant Paris was tried first and separately. Paris, at Argument Court presented the proposition that the Court should not have allowed the amendment of the indictment to delete the words "without her consent" in one count. Very obviously, the Grand Jury had intended to charge Paris and the others with both forcible rape and statutory rape for the exigencies of proof. In an array of pretrial motions, the defendants sought to attack this double-barreled position of the Commonwealth in many ways. We felt then and still believe that it was not the intention of the Legislature to leave any gray zone between forcible rape and statutory rape. The defendant's position is that forcible rape involves resistance to the uttermost and statutory rape requires affirmative consent. We do not think the Legislature meant to create any gap between the two.[4] Here the prosecutrix testified

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[4] Relevant portions of the Act of 1966, 19 P.S. 4721 (A) and (B) are quoted for convenient reference and because they have not been construed often, if at all: (A) "Whoever has unlawful carnal knowledge of a woman, forcibly and against her will, is guilty of rape, a felony. . . ." (B) "Whoever, being of the age of sixteen (16) years and upwards, unlawfully and carnally knows and abuses any woman child under the age of sixteen (16) years with her consent is guilty of statutory rape, a felony. . ."

Upon the trial of any defendant charged with the unlawful carnal knowledge and abuse of a woman child under the age of sixteen (16) years, if the jury shall find that such woman child was not of good repute, and that the carnal knowledge was with her consent, the defendant shall be acquitted of rape, and convicted of fornication.

that the intercourse was by force and against her will. The jury evidently did not believe that there was enough force used or else that her going to the slag dump with two young men and remaining there after she found there were many men and boys there was evidence of some form of "contributory negligence".

Paris now says that the amendment forced the defendant to forego evidence of bad repute on the part of the prosecutrix. The cynicism of this is apparent when one sees that the defendant Paris objected vigorously to proof of the prosecutrix virginity. It might be added that no evidence of ill repute was offered, even at side bar. Paris also claims that he didn't have time to investigate the case. The chronology of the matter is a sufficient answer. The offense happened on June 14, 1967. Paris was identified on June 19, 1967, held for Court on June 22, indicted on June *14* and called for trial in the October Term of 1967. The trial actually commenced October 9. Paris was out on bond. He had almost four months to prepare and made only conditional applications for continuance.

The defendant's own brief by its citation of In the Matter of Charles Mason Lane, 135 U.S. 443, 84 U.S. L. Ed. 219 (1890) answers his claim that it was reversible error to charge on both forcible and statutory rape at the same time.

We regret that we are required to use the names of counsel in connection with this next matter. Paris engaged Michael E. Kusturiss, Esq., a former Assistant District Attorney, to represent him. Mr. Kusturiss conducted the trial and Paris should be richly satisfied with the re-

sult. Now, however, he has engaged Allen Brunwasser, Esq., of Allegheny County to raise the defense of inconsistent representation. It seems that he alleges a conflict of interest. Mr. Kusturiss had also entered an appearance for Marion Serafin. When the matter came on for trial, however, Attorney John Bell of Washington, Pennsylvania, represented Mr. Serafin. When we came to Argument Court, both Mr. Brunwasser and Mr. Kusturiss' assistant, Mr. Liekar, presented briefs and argument. Mr. Kusturiss still, we are told, represents Paris generally and Mr. Brunwasser represents him for the purpose of demonstrating Mr. Kusturiss' inadequacy. We do not find him inadequate.

There are a number of reasons why Mr. Brunwasser's position for Paris is unsound. First, most of the dual representation cases involve the lawyer who tries to defend two felons being brought to trial together. Here, Mr. Kusturiss defended only one of them—Paris. Secondly, if Mr. Kusturiss had sought to call Serafin at Paris' trial, Serafin, yet untried, would certainly have had the right to claim and would have claimed his privilege which we would have sustained. It has been repeatedly held. "When counsel is retained by a defendant to represent him in a criminal case he acts in no sense as an officer of the state. . . . A defendant cannot seemingly acquiesce in his counsel's defense of him or his lack of it and, after the trial has resulted adversely, have the judgment set aside because of the alleged incompetence, negligence or lack of skill of that counsel. . . ." U.S. ex rel. Darcy vs. Handy, 203 F. 2d 407 (3rd Cir. 1953), cert. denied, 346 U.S. 865 (1953). The following, from the brief of the special attorney for the Commonwealth

is happily put and well said: "Of interest is the fact that Paris, in making his complaint about dual representation never disavows his trial counsel. In his motion to strike conviction he concludes the motion by indicating satisfaction with Attorney Kusturiss if he would drop Serafin before a new trial. In his brief, he states that (page 8 of special brief) 'other alleged trial errors will be handled by trial counsel or his representative.' Obviously, Paris does not actually feel that Mr. Kusturiss' representation of Serafin caused him any harm." This is unlike either Commonwealth vs. Meehan, 198 Pa. Super. 588 (1962) reversed 409 Pa. 616 (1963) or Com. ex rel. Whitling, 406 Pa. 45 (1962) where there *was* conflict of interest between defendants. This is no conflict of interest between Paris and Serafin and while harm need not be shown to arise from it, the actual presence of a conflict of interest, not merely a possibility of conflict, must be shown. A fortiori, private counsel may represent non-adverse co-defendants and to permit this where there is no objection is not unfair.[5]

The defendant, Ragazzini, also raises as one of his principal errors the following question.

"Was it error for the Court to impair defendant's counsel with a statement that defendant's counsel's actions might cause the defendant to be placed

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[5] In order to be sure that we are not swimming against the current here, a careful check of secondary legal sources was made. See Effective Assistance of Counsel, 49 Va. L. Rev. 1531 (1963); Inadequacy of Trial Defense Representation as a Ground for Post-Conviction Relief in Criminal Cases, 59 Northwestern U. L. Rev. 289 (1964); Effective Assistance of Counsel for the Indigent Defendant, 78 Harvard L. Rev. 1434 (1965).

in jail without bond to await trial at the next regular term of Court and then refuse defendant's counsel's motion to withdraw as trial counsel from the case under the above-mentioned circumstances?"

In his brief it is argued that counsel was placed in an unfavorable position before the jury ". . . . that he would be severely hindered in properly representing the defendant at trial if forced to continue . . . . and thereby made it impossible for defense counsel Bloom to render complete and effective representation to the defendant Ragazzini. . . ." This requires some discussion of the technique of judge-baiting. A Yale law professor has recently been quoted as saying, "The courtroom is a splendid place where defense counsel may strut and the State's attorney alink. . . ." With this we are unable to agree.

A remark by the Court is cited as intimidation of defense counsel.

> "Now, look, I don't intend for this trial to become a zoo, and if I have to withdraw a juror we're going to forfeit some bonds or at least call them in and confine people until the next term of Court. I don't intend to let this trial become a zoo. All right, go ahead, ..."

An examination of the record shows that we began the case the morning of December 11, 1967. Haggling in chambers lasted until 2:52 p.m. Motions were then made for some pages. On page 7, for instance, Mr. Finder sought to disqualify the trial judge on the ground that he had presided over the Paris case. On page 11, Mr. Bell said, "We would like to make or renew all the motions we made in the Paris trial." On page 15, Mr.

Bloom objected to starting with the panel as there were only 38 left and this would force us to talesmen. Mr. Finder, on page 20, objected to arranging an advance for talesmen until we had exhausted the panel, but stated he had not had time to look over the panel. We spent all day December 11th struggling with this sort of thing. On the morning of the 12th we went on. Finally, at 10:03 a.m., December 13, 1967, after 2 full days in which each of the three defendants was allowed his full measure of challenges instead of being compelled to share them, as authorized by law, we were ready to start. As soon as the Assistant District Attorney was on his feet to open, Mr. Bloom had more objections.

On page 41 the following occurred. Mr. Bloom said,

> "I do not feel I could try a case under the severe pressure, that if I make an action which the Court would feel would make this case into a circus that my defendant would suffer as a result of that and if that is the Court's feeling, then I would respectfully request to withdraw at this time."

After Mr. Bloom's motion the Court said, "Anybody else got any motions?" Mr. Finder said, "Let me simply say I felt the remark was uncalled for. . . ." There were several more pages of motions. At 10:48 a.m. we got underway. The trial judge does not now recall whether the remark about not letting this trial become a zoo was made at sidebar or not, but earlier he had said, "I don't want to spend my day in fruitless conferences here, now, at sidebar. I think I've had all the conceivable motions that can be made, but if you've got another one, make

it," and on the same page the zoo business begins. If, as is suspected, this was made out of the hearing of the jury, the briefs, the oral arguments and opinion hereon are irrelevant.

There is a growing feeling in the criminal defense bar that "anything goes". Lawyers who are polite, even charming, dignified, respectful and courteous during the trial of civil cases or equity matters put on another mask when they come into the Oyer and Terminer sessions. In sincere motions proliferate while the search for truth is lost in the struggle for partisan advantage. Since we have been in an era of rapid change in the criminal law, more pronounced in its adjective than substantive aspects, some of the most unorthodox approaches demand and receive serious consideration.[6] Certain trial lawyers, who frequently represent seriously guilty criminal defendants, have read into these decisions what they seek to find there.

As I understand the tradition of Anglo-American justice, the judge is not a mere umpire consigned to the trivial role allotted the Bench in the Perry Mason series, i.e., occasionally intervening in a pathetic way to say "Order in the Court". He is to be in charge of, and on top of the proceedings at all times. He should be equally alert to protect the rights of the accused and the victim. Much has been written and much has been said in recent years about the disparities of resource between the prosecution and the defense. How untrue that was as this

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[6] Not too long ago we had a case here where the printing of football pool tickets was seriously defended by a leading member of the Bar as freedom of the press. See: Commonwealth vs. Lane, 46 Wash. Co. 147 (1966).

drama unfolded in the courtroom. A young, teenage girl sobbing out the story of her repeated violation, a youthful Assistant District Attorney trying his first important case, were almost inconspicuous in the corner while the defense side of the room reflected the self-assured confidence of these boastful victors in the sexual encounter.

There are arguments in the briefs and at the Bar that the Court made unspecified prejudicial remarks which had "a horrendous" effect, and that "nuances of tone" and "a shambles" in reading the Court's charge hurt one or more defendants. These vague complaints scarcely deserve mention.[7] They are less than accurate.

Actually, the defendants were fortunate in the result after the defense presented—two claimed they climbed onto the victim, but could not get erections and the other two didn't even present any factual defense at all.

It is important that we maintain even-handed justice at all times. It is also important that we maintain the moral standards of the community, and uphold the law and recognized decencies of practice.

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[7] The summer 1968 issue of *American Criminal Law Quarterly* at p. 175 deals with the question of silent communication between judge and jury. The article is filled with counsels of perfection on the "facial expression and gestures of the trial judge." In conclusion, after some pages of discussion of frowns, smiles, gestures, etc., it indicates that there are few, if any precedents for reversal in the field. Mr. Conner's article would seem to indicate that while obviously one should be impartial in manner as well as in fact, there is little legal basis for the objections before us. See: *The Trial Judge, His Facial Expressions, Gestures and General Demeanor—Their Effect on the Administration of Justice.*

The real questions here today are: (1) were all the defendants guilty of the offenses found by the jury; and (2) did they receive a fair trial? To each we say "yes."

(s) Charles G. Sweet,
P. J.

IN THE SUPERIOR COURT OF PENNSYLVANIA

No. 25, April Term, 1969

COMMONWEALTH OF PENNSYLVANIA

vs.

PETER PARIS,

Appellant

Appeal from the Order of the Court of Quarter Sessions of Washington County at No. 229, September Sessions, 1967.

Per Curiam, Filed: March 12, 1970:

Order affirmed.

IN THE SUPREME COURT OF PENNSYLVANIA

No. 3257A Miscellaneous Docket

COMMONWEALTH OF PENNSYLVANIA

vs.

PETER PARIS,

Appellant

May 26, 1970 denied.

By the Court.